

**ORDINANCE 95-18**

**TO AMEND TITLE 3 OF THE BLOOMINGTON MUNICIPAL CODE,  
ENTITLED "CABLE COMMUNICATIONS SYSTEMS"  
(Revising Section 3.02.400 Regarding the Regulation of Customer Service)**

WHEREAS, the City of Bloomington wishes to assure that cable subscribers receive efficient, conscientious and reasonably priced customer service from cable franchisees; and

WHEREAS, the City of Bloomington wishes to protect the due process rights of all parties involved in the process of considering and adopting customer service standards; and

WHEREAS, the City of Bloomington wishes to clearly delineate the powers and duties of the City boards and commissions that consider and adopt customer service regulations;

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I. Section 3.02.400 of the Bloomington Municipal Code entitled, "Cable Consumer Protection" is amended to read as follows:

**3.02.400 Cable Consumer Protection.** a) It is a policy of the City that cable franchisees must provide efficient, conscientious and reasonably priced customer service to cable subscribers. Customer service standards should equal or exceed standards set by the Federal Communications Commission (FCC). FCC customer service standards shall apply in all cases where the City has not adopted customer service requirements that exceed FCC standards. The City may adopt customer service standards in areas where the FCC is silent or has specifically deferred to state and local franchising authorities.

b) Customer service standards established by the FCC are hereby adopted in this ordinance as a minimum level of customer service standards. Those standards are found in 47 C.F.R. §76.309(c)(3). Two copies of those standards are on file in the Office of the City Clerk and are available for public inspection. Where the City wishes to adopt customer service standards that exceed FCC standards, or that cover areas not addressed by the FCC, such standards shall be adopted in the following manner:

1) The Telecommunications Council, as the source of greatest expertise on telecommunications issues, shall be that City body charged with initial formulation of customer service standards in accordance with the City's policy on such standards. The Telecommunications Council shall review its current rules and procedures for conducting public meetings and rule-making, and shall adopt such new rules and procedures from time to time as it deems necessary, in order to assure that its rules and procedures are sufficient to safeguard the due process rights of all parties coming before the Telecommunications Council to give evidence, opinion and other input in the formulation of customer service standards. Customer service standards formulated by the Telecommunications Council should serve the City's policy of insuring efficient, conscientious and reasonably priced customer service for cable subscribers. The Telecommunications Council shall adopt its proposed customer service standards in the form of a written resolution.

2) The Telecommunications Council shall forward its resolution to the City of Bloomington Board of Public Works, which shall place the resolution on its agenda for public discussion and input. After such public discussion and input, the Board of Public Works may adopt it, remand it to the Telecommunications Council for further findings, clarification and study, or the

Board of Public Works may amend it. Upon any remand, the Telecommunications Council shall reexamine its resolution and supply the Board of Public Works with the clarification and further findings the Board of Public Works requires. The Telecommunications Council may alter its resolution in any way consistent with these further findings and clarification and return its resolution to the Board of Public Works.


3) The Board of Public Works shall forward the resolution containing the proposed customer service standard(s) to the Common Council, which shall place it on their agenda in the form of an ordinance and consider it for adoption in accordance with the procedures set forth in Chapter 2.04 of the Bloomington Municipal Code.

c) The Telecommunications Council shall have the authority to administer all customer service standards and monitor compliance of the cable franchisees.

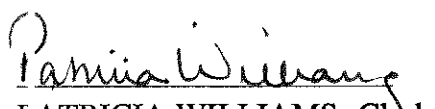
d) Remedies. To the extent permitted by state law, local ordinance and FCC regulations, the City of Bloomington, upon recommendation of the Telecommunications Council, and acting through its Board of Public Works, may seek any and all available remedies for violation of customer service standards, including but not limited to fines, forfeitures and injunctive relief. In determining what remedies to seek, the Board of Public Works shall view actions of cable franchisees to give restitution, either direct or in the form of credits or off-setting services, to cable subscribers for any breach of customer service standards as a mitigating factor. It is the policy of the City to encourage cable franchisees to resolve customer service complaints by direct negotiation with the customer.

SECTION II. Severability. If any section, sentence or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this section are declared to be severable.

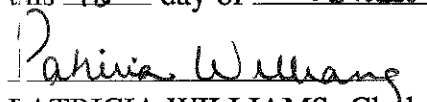
PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 15<sup>th</sup> day of February, 1995.

  
IRIS KIESLING, President  
Bloomington Common Council

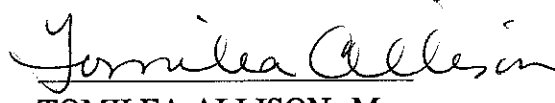
ATTEST:

  
PATRICIA WILLIAMS, Clerk  
City of Bloomington

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this 16<sup>th</sup> day of February, 1995.

  
PATRICIA WILLIAMS, Clerk  
City of Bloomington

SIGNED AND APPROVED by me upon this 16<sup>th</sup> day of February, 1995.

  
TOMILEA ALLISON, Mayor  
City of Bloomington

## SYNOPSIS

This ordinance places the final authority for adopting customer service regulations with the Common Council, rather than having those regulations automatically go into effect after adoption by the Board of Public Works, unless the Council rejects them within 30 days. This change strengthens the safeguards on due process rights of all parties involved in this regulatory process, and clarifies the City's authority to fine for violations of customer service standards.

Signed copies to:

BPW / Public Works

TEC

TEI

BMC File

Clerk

CA/CA

Legal (5)

Dynan Cayne